

MOTION BY SUPERVISOR KATHRYN BARGER

MARCH 31, 2020

Temporary Emergency Shelter Facilities in the Antelope Valley

On October 10, 2017, the Board of Supervisors declared a shelter crisis for the Antelope Valley for the period of November 10, 2017 through March 10, 2018 pursuant to Government Code Sections 8698 et seq. (Shelter Crisis Declaration) to allow the Glenchur and Muntsie buildings at High Desert Multi-Ambulatory Care Center (High Desert MACC) to open as a temporary shelter in conjunction with the County's Winter Shelter Program. The Board has extended the Antelope Valley Shelter Crisis Declaration on four occasions: first, through March 31, 2018, second through October 31, 2018, third through June 30, 2019, and again through March 31, 2020. On October 30, 2018, the Board declared a County-wide shelter crisis for a one-year period through October 29, 2019. On October 29, 2019, the Board extended the County-wide shelter crisis declaration through October 31, 2020. For each of these time periods (Shelter Crisis), unsheltered individuals would have been at high risk of life-threatening exposure to the elements due to the extreme temperatures in the Antelope Valley. Because there were no operating, year-round facilities in the Antelope Valley at the time, it was critical that immediate action be taken to provide short-term shelter to our most vulnerable residents in the region.

During the period of the Shelter Crisis, the Salvation Army, as the service provider for the High Desert MACC, has operated effective crisis programming at the facility, linking individuals to long-term housing solutions and gainful employment opportunities. The Salvation Army is currently providing homeless services at High Desert MACC pursuant to a gratis license agreement with the County scheduled to expire March 31, 2020. Volunteers of America, a nonprofit organization, has been identified by the County of Angeles and the Los Angeles Homeless Services Authority (LAHSA) as a new service provider for the High Desert MACC. Pursuant to Government Code Section 26227 and 8698.2(b), the Board has authority to make available real property not needed for County purposes to non-profit entities for operation of programs which serve public purposes and are necessary to meet the social needs of the population of the County. Not only is this facility providing immediate respite from extreme weather 24-hours a day, 7-days a week, but it is also providing critical resources to assist individuals in permanently exiting cycles of homelessness.

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In the Antelope Valley, weather conditions are severe year-round. The variability of the desert climate can result in extremely hot temperatures during the day and dangerously cold temperatures at night. Unsheltered individuals are particularly vulnerable. They are at high risk of injury and harm due to exposure to these extreme elements and the other health, safety and welfare-related circumstances and consequences of being homeless.

In the Antelope Valley, there continues to be a significant number of individuals who are without the ability to obtain shelter, resulting in a threat to their health and safety. The 2019 Homeless Count measured an increase in the homeless population in the Antelope Valley from the previous year (from 3203 individuals to 3293 with 2,122 individuals living unsheltered in the region). There is still a tremendous need, and the 100 beds operated at the High Desert MACC serve as a critical respite for vulnerable individuals experiencing homelessness in the Antelope Valley. While partners at the County, local cities and community-based organizations across the Antelope Valley are working together to develop sustainable housing solutions in the region, the immediate need for short-term shelter is ongoing.

Government Code Sections 8698 et seq. permit the Board to declare a shelter crisis to address the need for emergency temporary shelters when a significant number of persons within its jurisdiction are without the ability to obtain shelter, resulting in a threat to their health and safety. Due to the expected extreme temperatures in the Antelope Valley, the large number of homeless individuals, and the lack of shelters in the region, it is critical to allow the continued operation of High Desert MACC for the period of April 1, 2020 through October 31, 2020. During this period, the shelter can continue to provide food, shelter and bridge housing services at High Desert MACC, and approval of the recommended actions will allow the gratis license with Volunteers of America to be executed and extended through October 31, 2020, and further as necessary during the Shelter Crisis. Furthermore, the continued operation of the temporary emergency shelter will require maintenance and repairs to the High Desert MACC, and the recommended actions will authorize Public Works to complete the maintenance and repairs using a Board-approved Job Order Contract.

During the declared Shelter Crisis, the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety may be suspended with respect to the County facility being used as a temporary shelter to the extent that strict compliance would in any way prevent, hinder, or delay the mitigation of the effects of the Shelter Crisis. In place of any such housing, health, or safety standards, the County may enact and implement any applicable health and safety standards or regulations as applied to the temporary emergency shelter and to be operative during the Shelter Crisis consistent with ensuring public health and safety.

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I, THEREFORE, MOVE that the Board of Supervisors:

1. Find the proposed actions related to the declaration of a shelter crisis and the continued readiness for and operation of a temporary emergency shelter are not a project as defined by Section 15378 of the State California Environmental Quality Act ("CEQA") Guidelines, and therefore these actions are not subject to CEQA. Alternatively, the proposed actions are statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the State CEQA Guidelines. In the alternative, the proposed actions are exempt from the provisions of CEQA in accordance with the State CEQA Guidelines Sections 15061(b), 15301, 15303, and 15304, and none of the exceptions to the application of the exemptions apply. Upon your Board's approval of the recommended actions, the Chief Executive Officer (CEO) or her designee will file a Notice of Exemption with the County Clerk in accordance with Section 21152 of the California Public Resources Code;
2. Find that pursuant to Government Code Sections 8698 et seq., a significant number of persons within the Antelope Valley are without the ability to obtain shelter, resulting in a threat to their health and safety;
3. Direct the CEO Homeless Initiative to work with Los Angeles Homeless Services Authority (LAHSA), Fire Department, Department of Public Works, County Counsel, and other pertinent county departments to ensure readiness for continued operation of a 24-hour emergency shelter at the High Desert MACC, pursuant to Government Code Sections 8698 et seq. during the shelter crisis period of April 1, 2020 through October 31, 2020;
4. Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and other pertinent county departments, pursuant to Government Code Section 8698.1(b), to identify, with respect to the High Desert MACC, which provisions of any applicable state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis to the extent there was strict compliance with same. This delegation of authority in no way limits the broad suspension of the provisions of any state or local regulatory statute, regulation, or ordinance prescribing standards of housing, health, or safety that occurs by operation of law pursuant to Government Code Section 8698.1.

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5. Delegate authority to the CEO or her designee, in consultation with County Counsel and the Departments of Public Works, Public Health, Fire, and other pertinent county departments, pursuant to Government Code Section 8698.1(b), to enact and implement any applicable health and safety standards or regulations as applied to the use of High Desert MACC as a temporary emergency shelter and to be operative during the shelter crisis consistent with ensuring public health and safety;
6. Authorize the Director of Public Works or his designee to complete maintenance and repairs to the High Desert MACC using a Board-approved Job Order Contract to allow for continued operation of the temporary emergency shelter;
7. Direct the CEO and LAHSA to use Measure H funding to fund the operation of 100 beds at the High Desert MACC shelter from April 1, 2020 through October 31, 2020; and
8. Authorize the CEO or her designee to take any other actions consistent with and/or necessary for the implementation of the foregoing actions.

I, FURTHER, MOVE that the Board of Supervisors:

1. Find that the proposed Non-Exclusive License Agreement (License) is categorically exempt from CEQA pursuant to Section 15301 of the State CEQA Guidelines (Class 1 – Existing Facilities) and Class 1 of the County's Environmental Document Reporting Procedures and Guidelines, and none of the exceptions to the application of the exemption apply;
2. Pursuant to Government Code Section 26227, find that the services to be provided by Volunteers of America, a nonprofit corporation, are necessary to meet the social needs of the County and serve public purposes which benefit the County;
3. Find that the former High Desert MACC is not currently needed for County purposes;
4. Authorize the CEO or her designee to negotiate the License with Volunteers of America, with a term extending through October 31, 2020;
5. Authorize the CEO or her designee to execute the License, which except as stated herein, shall reflect substantially the same terms as the existing license;
6. Authorize the CEO or her designee to amend the License to extend the term, if and as necessary, for the duration of the Shelter Crisis; and
7. Authorize the CEO or her designee to negotiate and execute other ancillary documentation approved as to form by County Counsel necessary to effectuate the License, and to take any other actions necessary and appropriate to implement and effectuate the License.